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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 09/446,538

Filed: 27 December 1999

By: Lauper

For: Method and Device for Controlling the  
Movement of a Teeming Ladle...

Examiner: McHenry, K.  
Group Art Unit: 1726

P. O. Box 381516  
Cambridge, MA 02238-2216  
23 May 2002

Hon.  
Assistant Commissioner for Patents  
Washington DC 20231

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JUN 13 2002

OFFICE OF PETITIONS

**Petition under 37 C.F.R. 1.137(a)**

Sir:

This is to petition for revival of the instant application which became unavoidably abandoned by loss in transit of Applicant's response to the Official Action of 21 May 2001 mailed to the Patent and Trademark Office on 5 November 2001 under a Certificate of Mailing by First Class Mail. A copy of the entire response is enclosed herewith.

At the beginning of January 2002 Examiner McHenry telephoned the undersigned attorney and enquired about the response. As the response had been mailed on 5 November, it was agreed that additional waiting time would be granted to allow the response to be matched with the Patent Office file.

Notwithstanding the agreement with Examiner McHenry and for reasons not known to the undersigned attorney, the application became abandoned.

In view of the circumstances which led to the abandonment Applicant

Attorney Docket 990372

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prays that the application be revived and that the disclaimer otherwise necessary be waived. It is urged that the circumstances merit refunding of the fee under 37 C.F.R. 1.17(l) tendered herewith. Such refund is courteously requested.

Respectfully submitted,

  
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Enclosures